

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO.:

v.

DATE FILED:

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

VIOLATIONS:

21 U.S.C. §§ 841(a) and 841(b)(1)(A)
(Possession with intent to distribute 50
grams or more of cocaine base ("crack") - 1
count)

21 U.S.C. §§ 841(a) and 841(b)(1)(B)
(Possession with intent to distribute 500
grams or more of cocaine base ("crack") - 1
count)

21 U.S.C. § 860(a) (Possession with intent
to distribute more than 500 grams of cocaine
within 1,000 feet of a school - 1 count)

21 U.S.C. § 860(a) (Possession with intent
to distribute more than 50 grams of cocaine
base ("crack") within 1,000 feet of a school -
1 count)

18 U.S.C. § 922(g)(1) (Felon in possession
of a firearm - 1 count)

21 U.S.C. § 853 (Notice of Forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about January 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

knowingly and intentionally possessed with intent to distribute 50 grams or more, that is, approximately 217 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a) and 841(a)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

BOOKER SMITH, JR.
a/k/a “Dennis McField”
a/k/a “Amil Lee”

knowingly and intentionally possessed with intent to distribute 50 grams or more, that is,
approximately 217 grams, of a mixture or substance containing a detectable amount of cocaine
base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property
comprising the St. Martin of Tours School, 5450 Roosevelt Boulevard, a private elementary
school in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)
and 841(b)(1)(A).

In violation of Title 21, United States Code, Section 860(a) .

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is,
approximately 2,002 grams, of a mixture or substance containing a detectable amount of cocaine,
a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(B).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is,
approximately 2,002 grams, of a mixture or substance containing a detectable amount of cocaine,
a Schedule II controlled substance, within 1,000 feet of the real property comprising the St.
Martin of Tours School, 5450 Roosevelt Boulevard, a private elementary school in Philadelphia,
Pennsylvania, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a) .

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

having been convicted in the Court of Common Pleas of Philadelphia County of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, firearms, that is, a loaded RG Industries, caliber .38 special, Model RG-31 revolver, serial number Q179427, a loaded Kel-Tec, caliber 9 millimeter Luger, semi-automatic pistol, model P-11, serial number D48502, and a loaded Smith and Wesson, caliber .380, semi-automatic pistol, model SW380, serial number RAH221.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE: COUNTS ONE - FOUR

A. As a result of violations of Title 21, United States Code, Section 841(a)(1) and 860(a) set forth in Counts One through Four of this Indictment, the defendant

BOOKER SMITH, JR.
a/k/a "Dennis McField"
a/k/a "Amil Lee"

shall forfeit to the United States under Title 21, United States Code, 853:

1. Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code as charged in this Indictment, including but not limited to the sum of \$4,266 in United States Currency seized from Booker Smith, Jr. on or about January 15, 2003;

2. Any property used, or intended to be used in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment.

B. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to

seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE: COUNT FIVE

As a result of the violation of Title 18, United States Code, Section 922(g)(1) set forth in Count Five of this Indictment, defendant

BOOKER SMITH, JR.
a/k/a “Dennis McField”
a/k/a “Amil Lee”

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) the firearm and ammunition involved in the commission of the violation of Title 18, United States Code, Section 922(g)(1) alleged in Count Five of the Indictment, that is, the following:

1. a loaded RG Industries, caliber .38 special, Model RG-31 revolver, serial number Q179427;
2. a loaded Kel-Tec, caliber 9 millimeter Luger, semi-automatic pistol, model P-11, serial number D48502; and
3. a loaded Smith and Wesson, caliber .380, semi-automatic pistol, model SW380, serial number RAH221.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney